IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS AMARILLO DIVISION

TERRENCE THOMAS,	§	
	§	
Petitioner,	§	
	§	
v.	§	2:18-CV-020-M
	§	
LORIE DAVIS, Director,	§	
Texas Department of Criminal Justice,	§	
Correctional Institutions Division,	§	
	§	
Respondent.	§	

ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Petitioner filed a pleading entitled "Petition for Review," which the Court construed as a petition for a writ of habeas corpus, because it appeared Petitioner was attempting to challenge a state prison disciplinary decision. Petitioner did not utilize the form required by the Northern District, and on February 8, 2018, the Court ordered Petitioner to submit a habeas petition on the proper form. Petitioner did not do so. On March 5, 2018, the United States Magistrate Judge issued Findings, Conclusions and a Recommendation, recommending that the habeas petition be dismissed for want of prosecution. On March 20, 2018, Petitioner filed objections to the Findings, Conclusions and Recommendation. In his objections, Petitioner does not speak to his failure to file a form petition, but argues that he is not challenging a prison disciplinary proceeding. Instead, it now appears Petitioner seeks to challenge the conditions of his confinement at the Neal Unit in Potter County, Texas. To the extent Petitioner seeks to challenge such conditions, he must pursue these claims by way of a new 42 U.S.C. §1983 suit, which also requires the use of a specified form petition.

This Court has made an independent examination of the record in this case. Petitioner's

objections are OVERRULED, and the Magistrate Judge's Findings, Conclusions and Recommendation are ACCEPTED. Accordingly, the petition for a writ of habeas corpus is DISMISSED. If he wishes to pursue a Section 1983 case, Petitioner shall do so on a proper form of petition.

BARBARA M. G. LYNN

IT IS SO ORDERED.

SIGNED this 28th day of March, 2018.